

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/23/2019

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PAOLA D. VERA,

Plaintiff,

-against-

THE DONADO LAW FIRM, ET AL.,

Defendants. :
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17 Civ. 3123 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Judge Freeman issued the Corrected Report and Recommendation (the “Report”) on July 19, 2019, recommending (i) that no damages be awarded for claims against Defendant Mauricio Villamarin because, although Plaintiff obtained a default judgment against him, the claims are not properly pled, and (ii) Plaintiff be directed to move for default judgment against Defendants Valmiro Donado and the Donado Law Firm who did not timely appear, but against whom Plaintiff has well-pled claims;

WHEREAS, the Report provided parties with “fourteen (14) days from service of this Report to file written objections;”

WHEREAS, Judge Freeman’s Chambers mailed a copy of the Report to the parties around June 19, 2019. On July 18, 2019, the mailing to Defendant Villamarin was returned as undeliverable, and the docket does not reflect any updated address for him;

WHEREAS, no objections were timely filed;

WHEREAS, in reviewing a Report and Recommendation of a magistrate judge, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “[W]here no timely objection has been made, a

district court need only satisfy itself that there is no clear error on the face of the record.” *Poulos, v. City of New York*, No. 14 Civ. 3023, 2018 WL 3745661, at *1 (S.D.N.Y. Aug. 6, 2018)

(internal quotation marks omitted);


WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report is adopted. Plaintiff is awarded no damages for the default judgment against Defendant Villamarin. Defendant Villamarin may not have received the Report given his defunct mailing address, and therefore may not have had an opportunity to object. Nevertheless, he is not prejudiced because he owes no damages. It is further

ORDERED that, because this matter is referred to Judge Freeman for general pre-trial, including for the default judgment process (Dkt. No. 39), Plaintiff shall address any default judgment motion to Judge Freeman. As the Report recommends, Plaintiff may move for default judgment against Defendants Donado and the Donado Law Firm.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

Dated: July 23, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE